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EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

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DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,843

Applicant(s)

BERG ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show that in Figures 11A-D, the boxes with a clear label of what they represent as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction, in red ink, or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities: the phrase "one of the" is unnecessary in page 8, line 8 of the specification.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 15-16, 19-24 and 26-33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6,307,573 B1 (Barros).

Referring to claim 1, Barros discloses methods for processing user criteria to retrieve a

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portion of data and display it to the user. Barros discloses receiving user input that specifies a subset of data with respect to multiple data criteria. See column 2, lines 13-18. Barros also has means for retrieving the data subset from the data and displaying the data in a map format, such that the data is defined by a two-dimensional field array of information, wherein the field array of the display is divided into a plurality of two-dimensional bounded field areas, each of which has a display area that is indicative of a first data criteria of the data subset, and wherein the area of each bounded field area is further divided into subfield areas, each of which has an area that is indicative of a second data criteria of the data subset. See Figure 10B, column 3, lines 64-67 and column 4, lines 11-14 and column 8, lines 41-47. Barros also discloses displaying a subfield detail window adjacent to one of the subfield areas in response to moving a display cursor over a boundary of the bounded subfield area to show data relating to the bounded subfield area (column 4, lines 15-17 and column 8, lines 54-55) and displaying a menu window adjacent to the bounded subfield area in response to a mouse click on the bounded subfield area such that the menu window shows information relating to the bounded subfield area data subset and can receive user criteria from the user to specify additional information relating to the bounded subfield area (Figure 6B and column 17, lines 9-12).

Referring to claim 2, Barros discloses a menu array window specifying information relating to the bounded subfield area (Figure 6D and column 17, lines 18-22).

Referring to claim 3, Barros discloses that the subfield detail window, shown as the pop-up window remains in display as long as display cursor is located over the subfield area (Figure 6D and column 17, lines 27-29).

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Referring to claim 4, Barros discloses that the menu array window includes hyperlinks, in the form of hypermaps, offering selections by the bounded sublevel area (bottom corner of Figure 6D).

Referring to claim 5, Barros discloses, as seen in Figure 10B, using criteria including attributes that is indicative of a third data criteria of the data subset, as seen by the attributes that are checked off in Figure 10B.

Referring to claim 6, 10, 22 and 33, Barros discloses using colors to indicate attributes of the subfield display to show the magnitude of the criteria (Figure 10B and column 12, lines 37-39).

Referring to claim 7, Barros discloses presenting information regarding plural products on the screen for perusal and selection by a user (column 7, lines 55-58). Barros discloses displaying a page with product review information, the product review page comprising one or more two-dimensional, bounded field areas, each bounded field area corresponding to a particular product category, the product information displayed in a map format (Figure 10B, column 8, lines 8-9 and lines 41-47). The one or more bounded field areas is divided into plural bounded subfield area, each of the bounded subfield areas corresponding to and representing a product, and wherein each bounded subfield area has a first attribute that is indicative of a first characteristic of the corresponding product (Figure 10B). Barros discloses a menu window on the display screen adjacent to one of the bounded sublevel areas, the menu array window including an option to insert the data element corresponding to the bounded subfield area (column 20, lines 1-20). Barros discusses keeping track of the user's actions in this pop-up. Barros also has disclosed the idea of products, which may be "picked up" by users who browse

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through these products (column 5, lines 47-49). Both of the above suggest the idea of shopping cart and users picking products for purchasing. As seen in Figure 9C, Barros discloses an order button through which the data elements which the user wishes to purchase are accepted by the user for purchasing.

Referring to claim 8, Barros discloses, as seen in the second picture of Figure 10B, that all of the bounded subfield areas and subfield areas of the product review page are simultaneously contained within a single viewable region of the computer display screen.

Referring to claims 9, 21 and 31, Barros discloses as seen in Figure 10, a map based on the first attribute of the bounded subfield area comprising a two-dimensional size of the bounded subfield area (column 10, lines 35-37).

Referring to claims 11, 20 and 32, Barros discloses allowing the user to edit the subfield area based on the criteria of the user, repeatedly until the user is displayed with the choices they desire (column 8, lines 41-47). Thus, Barros does disclose that a second attribute is used for indicating a second characteristic for a particular product (Figure 10B).

Referring to claim 12, Barros discloses that the attributes are comprised of both the size of the bounded area and the colors of the represented bounded subfield areas, as seen by the attributes displayed in the second map of Figure 10B.

Referring to claim 13, Barros discloses, as seen in Figure 7fg, that the subfield area represents a particular product having a first characteristic are grouped together with subfield area that represent products that have a characteristic similar to the first characteristic (column 17, lines 49-51).

Referring to claim 15, Barros discloses displaying a field detail window adjacent to one of the bounded subfield areas in response to moving a cursor over a boundary of the bounded subfield areas to show a data relating to the product corresponding to the bounded subfield area (column 17, lines 27-29 and Figure 6D).

Referring to claims 16 and 30, Barros discloses a menu box adjacent to the bounded subfield area in response to a mouse click on the bounded subfield area and the menu box includes menu items that may be selected for accessing information related to one or more products (column 18, lines 45-53).

Referring to claim 19, Barros discloses means for displaying information on a computer display for perusal and selection by a user, the information being related to plural data elements, each data element belonging to a data category and being defined by one or more dimensions of a given magnitude (column 2, lines 13-18 and column 3, lines 64-67). Barros also has means for retrieving the data subset from the data and displaying the data in a map format, such that the data is defined by a two-dimensional field array of information, wherein the field array of the display is divided into a plurality of two-dimensional bounded field areas, each of which has a display area that is indicative of a first data criteria of the data subset, and wherein the area of each bounded field area is further divided into subfield areas, each of which has an area that is indicative of a second data criteria of the data subset. See Figure 10B, column 3, lines 64-67 and column 4, lines 11-14 and column 8, lines 41-47. Barros discloses, as seen in the second picture of Figure 10B, that all of the bounded subfield areas and subfield areas of the product review page are simultaneously contained within a single viewable region of the computer display screen. Barros also discloses displaying a subfield detail window adjacent to one of the subfield

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areas in response to moving a display cursor over a boundary of the bounded subfield area to show data relating to the bounded subfield area (column 4, lines 15-17 and column 8, lines 54-55) and displaying a menu window adjacent to the bounded subfield area in response to a mouse click on the bounded subfield area such that the menu window shows information relating to the bounded subfield area data subset and can receive user criteria from the user to specify additional information relating to the bounded subfield area (Figure 6B and column 17, lines 9-12). Barros discloses a menu window on the display screen adjacent to one of the bounded sublevel areas, the menu array window including an option to insert the data element corresponding to the bounded subfield area (column 20, lines 1-20). Barros discusses keeping track of the user's actions in this pop-up. Barros also has disclosed the idea of products, which may be "picked up" by users who browse through these products (column 5, lines 47-49). Both of the above suggest the idea of shopping cart and users picking products for purchasing. As seen in Figure 9C, Barros discloses an order button through which the data elements which the user wishes to purchase are accepted by the user for purchasing.

Referring to claim 22, Barros discloses displaying products for an online specialty store where consumers can compare all the available offering of the product (column 7, lines 55-57).

Referring to claim 24, Barros discloses that the data elements of this system are stored in a data store that is local to the computer device (column 3, lines 16-23).

Referring to claim 26, Barros discloses a menu array window that provides options to accept criteria by which the user can cause the computer to revise the attributes of the bounded subfield to be indicative of a different set of dimensions of the subfields within a particular data category (Figure 6D).



Referring to claim 27, Barros discloses that a menu array window provides the option to accept criteria by which the user can cause the computer to display only data elements having a dimension within a given value range (column 17, lines 19-22 and Figure 6E).

Referring to claim 28, Barros discloses that the data elements display describe products that are available for purchase and wherein a button item, shown as the order button in Figure 9C, allows the user to initiate a purchase transaction with respect to any data elements in the shopping cart (second picture, Figure 9C and column 8, lines 8-9).

Referring to claim 29, Barros discloses methods for processing user criteria to retrieve a portion of data and display it to the user. Barros discloses receiving user input that specifies a subset of data with respect to multiple data criteria. See column 2, lines 13-18. Barros discloses displaying a page with product review information, the product review page comprising one or more two-dimensional, bounded field areas, each bounded field area corresponding to a particular product category, the product information displayed in a map format (Figure 10B, column 8, lines 8-9 and lines 41-47). The one or more bounded field areas is divided into plural bounded subfield area, each of the bounded subfield areas corresponding to and representing a product, and wherein each bounded subfield area has a first attribute that is indicative of a first characteristic of the corresponding product (Figure 10B). Barros discloses, as seen in the second picture of Figure 10B, that all of the bounded subfield areas and subfield areas of the product review page are simultaneously contained within a single viewable region of the computer display screen. Barros discloses a menu window on the display screen adjacent to one of the bounded sublevel areas, the menu array window appearing in response to a mouse click on a bounded subfield area, the menu array window including an option to insert the data element

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corresponding to the bounded subfield area (column 20, lines 1-20). Barros discusses keeping track of the user's actions in this pop-up. Barros also has disclosed the idea of products, which may be "picked up" by users who browse through these products (column 5, lines 47-49). Both of the above suggest the idea of shopping cart and users picking products for purchasing. As seen in Figure 9C, Barros discloses an order button through which the data elements which the user wishes to purchase are accepted by the user for purchasing.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 17-18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barros.

Referring to claim 14, Barros discloses showing price information for certain products (Figure 6D) and also discloses that various attributes are used to characterize the display according to the user's criteria (column 8, lines 41-47). It would have been obvious at the time of the invention for Barron to use prices as an attribute and include them in the displays to have groups of products belonging to a particular price range. Barros uses various attributes to display the products, based on the user's criteria. According to the important information displayed to the user in Figure 6D, which includes the price, it would have been obvious that a user would have price be an attribute in characterizing the display of the products.

Referring to claim 17, Barros discloses displaying products for an online specialty store where consumers can compare all the available offering of the product (column 7, lines 55-57). Coffee products would be included in this products, and wherein coffee type would be an attribute through which the coffee products would be grouped. It would have been obvious at the time of the invention for Barros to include coffee products and display a map of coffee products to the user. Barros does disclose displaying products of all kinds, which would include coffee products.

Referring to claims 18 and 25, Barros discloses the first attribute of each subfield area is displayed in a two-dimensional screen of the subfield area (column 10, lines 35-37), wherein, as stated in claim 14, the attribute, which would include product prices would be indicated by the subfield area (Figure 10B).

### ***Conclusion***

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a method for displaying a treemap of information for users.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231.

If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile

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communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
April 7, 2003



RAYMOND J. BAYERL  
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